IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 36962 of 2007(A)

PETITIONER:

TONY MATHEW, 'ASSISTANT',
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
UNIVERSITY P.O., THRIKKAKARA, ERNAKULAM.

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:

1. **MINI PANICKER, W/O K.C.PRATHAPAN**
   PANICKER, MADAVANA HOUSE,IDAKKOLI CHAKKANPUZHA P.O.,
   PALA.

2. **THE KERALA STATE FINANCIAL ENTERPRISES,**
   REGISTERED OFFICE "BHADRATHA",
   P.O.BOX 510, CHEMBUKKADU, MUSEUM ROAD,
   THRISSUR, REPRESENTED BY ITS MANAGING DIRECTOR.

3. **THE BRANCH MANAGER,**
   KERALA STATE FINANCIAL ENTERPRISES,
   ETTUMANOOR BRANCH, KOTTAYAM.

4. **THE BRANCH MANAGER,**
   KERALA STATE FINANCIAL ENTERPRISES,
   KOTTAYAM MAIN BRANCH, KOTTAYAM.

5. **COCHIN UNIVERSITY OF SCIENCE AND**
   TECHNOLOGY, UNIVERSITY P.O.,
   THRIKKAKARA, ERNAKULAM, REPRESENTED BY ITS
   REGISTRAR.

6. **THE SPECIAL DEPUTY THAHSILDAR(RR),**
   OFFICE OF THE SPECIAL DEPUTY THAHSILDAR(RR),
   K.S.F.E. LTD., M.D.COMMERCIAL COMPLEX,
   KOTTAYAM.

BY SRI.M.SASINDRAN, SC, K.S.F.E., LTD.
BY SRI.A.A.ABUL HASSAN, SC, COCHIN UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 36962 of 2007

Dated this the 18th December, 2007

J U D G M E N T

The petitioner who is an employee of the Cochin University stood as a guarantor for the 1st respondent when he availed a loan from the 2nd respondent. There was default in repayment of the loan. Proceedings were initiated against the petitioner, principal debtor and another surety. The petitioner's grievance seems to be that notwithstanding the fact that there are sufficient assets with the principal debtor, steps are taken against the sureties as such.

2. It is not necessary to undertake a detailed appraisal of the contentions of the parties in the light of the judgment of this Court in W.P. (C) 35875 of 2007. Comprehensive directions have been issued in the said judgment, which is in a writ petition filed by another surety.

3. After hearing counsel on both sides, this writ petition is disposed of declaring that the directions issued in W.P. (C) No.35875 of 2007 will govern the present case also. The other contentions of the petitioner are left open. It is made clear that till a decision is taken as already directed in W. P (C) No.35875 of 2007, the salary of the petitioner shall not be attached for the liability of the 1st respondent.

(V.GIRI, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007